

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	
	:	
Kellie Clayton	:	Case No.: 15-51243
	:	Chapter 13
Debtor(s).	:	Judge Alan M. Koschik
	:	*****
	:	
	:	

OBJECTION TO CONFIRMATION OF PLAN (DOCKET NUMBER 2)

Now comes Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, as indenture trustee, for the CSMC 2015-RPL4 Trust, Mortgage-Backed Notes, Series 2015-RPL4 ("Creditor"), by and through its mortgage servicing agent Select Portfolio Servicing, Inc., by and through its attorneys, Manley Deas Kochalski LLC, and objects to confirmation of the Chapter 13 plan of Kellie Clayton ("Debtor"). For the reasons which follow, confirmation should be denied.

MEMORANDUM IN SUPPORT OF OBJECTION

Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 975 Sawyer Avenue, Akron, OH 44310. The Debtor's Chapter 13 Plan proposes to treat Creditor's claim unfairly by providing for an inadequate arrearage amount. The amount of the arrearage in the Chapter 13 Plan is not specifically listed and the amount that Creditor has calculated and intends to include in its claim is \$4,297.04.

Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy

15-019820_TC

Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Edward H. Cahill

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Attorneys for Creditor

The case attorney for this file is Daniel C. Wolters.

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CERTIFICATE OF SERVICE

This is to certify that on August 13, 2015, a true and accurate copy of the foregoing Objection to Confirmation was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of U.S. Trustee, Northern District of Ohio, Party of Interest, (Registered address)@usdoj.gov

Keith Rucinski, Chapter 13 Trustee, efilings@ch13akron.com

Warner Mendenhall, Attorney for Kellie Clayton, warnermendenhall@gmail.com

and on the below listed parties by regular U.S. mail, postage prepaid:

Kellie Clayton, 75 Sawyer Ave, Akron, OH 44310

Kellie Clayton, 975 Sawyer Avenue, Akron, OH 44310

/s/ Edward H. Cahill